

Approved as amended July 10, 2013
OPEN SPACE BOARD OF TRUSTEES
Minutes
Meeting Date June 12, 2013

BOARD MEMBERS PRESENT

Allyn Feinberg Tom Isaacson Shelley Dunbar Molly Davis

STAFF MEMBERS PRESENT

Mike Patton Jim Reeder Eric Stone Laurie Deiter Eric Fairlee
Kacey French Mike Orosel Don D'Amico Leah Case Michele Gonzales

GUESTS

Glenn Magee, Facilities and Asset Management, Architect and Construction Design Manager
Susan Richstone, Deputy Director of Community Planning & Sustainability

CALL TO ORDER

The meeting was called to order at 6:00 p.m.

AGENDA ITEM 1 – Approval of the Minutes

Shelley Dunbar said on page 3, the second sentence of the last paragraph should read, “The tax discussion should be on the June OSBT agenda.” She said on page 5, the first sentence of the last paragraph should read, “Shelley asked if two hours is the anticipated length of the information session.”

Tom Isaacson moved to approve the minutes from May 8, 2013 as amended. Shelley Dunbar seconded. The motion passed unanimously. Frances Hartogh was not present.

AGENDA ITEM 2 – Public Participation for Items not on the Agenda

None

AGENDA ITEM 3 – Director's Updates

2012 IPM Annual Report

Laurie Deiter and Eric Fairlee, Natural Resource Specialists, gave an update on the 2012 Integrative Pest Management (IPM) Annual Report. This presentation is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013\June.

Shelley asked why using goats for pest management on Open Space and Mountain Parks (OSMP) has had mixed results. Laurie said last year the goats were used for cutting down Cattails, but by the time they were put in the area the Cattails were taller than them (which goats will not go into). She said they expect better results this year as the goats are already on the land and they are able to move around. Tom asked how conditions today compare to conditions in the past, and if staff feels they are making headway. Eric said all places and species are different, but having two crews and consistent funding helps a lot. Allyn Feinberg asked how one disposes of plants that they are irradiating. Eric said they would have to bring plants to approved facilities that follow the appropriate state law for removal. Allyn asked if having more money devoted would make a difference on the end result. Eric said it would come down to how much can be managed at a time. Mike Patton added it takes a lot to manage a crew, but weed infestation is a huge problem so this may be an area in which more money is allocated.

Update on Slacklining, Highlining, Ziplining and Tyrolean Traverses

Kacey French, Environmental Planner, gave an update on slacklining, Highlining, Ziplining and Tyrolean Traverses on OSMP. This memo is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013\June. Mike noted that Tom Carr, City Attorney, currently has a very full plate, and this project might get pushed down the ladder.

Shelley asked if staff has had any contact with slacklining groups to collaborate on ways that this could be an approved OSMP activity. Kacey said yes, but staff has been hesitant to start a public process without knowing the Board recommendation. She noted that slacklining will require some coordination with Parks and Recreation as well. Tom said this is becoming a popular activity and he likes staff's approach to this topic. Allyn said staff should ensure they are being as efficient as possible when dealing with the City Attorney Office (CAO). Tom noted that slacklining does not have to be between two trees. Kacey said that is correct, and staff will be including all option in their activity assessments.

Chautauqua Auditorium Accessible Restrooms

Glenn Magee, Facilities and Asset Management Architect and Construction Design Manager, Susan Richstone, Deputy Director of Community Planning & Sustainability and Mike Patton, OSMP Director, gave an update on additional restrooms near the Chautauqua auditorium. A slide showing the potential locations is saved in S:OSMP\admin\OSBT\Minutes\Minutes 2013\June.

Allyn asked who will maintain these restrooms. Glen said this is not conclusive as of now; but possibly the Colorado Chautauqua Association (CCA) and Parks and Recreation. Shelley asked if adding six restrooms is the target number, or if fewer restrooms could be added with additional stalls. Glen said six is the recommendation from the CCA as there are limited options based on space, and a larger restroom would be difficult in the area; especially when trying to maintain the historic integrity. Tom asked about the possibility of too much noise from the restrooms. Glen said the outside restrooms should not be a problem; however, restrooms on the inside of the auditorium have a possibility of excess noise.

Molly Davis referenced the slide and noted that musicians trying to get around the kiosk and a restroom could be difficult. Glen said the non-historic kiosk would be moved so, restroom number 5 would stay as open as possible. Tom said options 5 and 6 seem like the most logical from an Open Space perspective. Allyn agreed that option 5 is the most suitable. She said it will be good to have more restrooms for the high number of people who attend concerts. Glen said doing something that still fits with the area as a historic landmark is important. Allyn said this is a good project to start OSMP and CCA collaborating. Molly asked if a bathroom could go where the picnic site is. Glen said the picnic area is a great site, but it is not wheelchair accessible from the auditorium. He added that these restrooms would be in addition to the current restroom locations.

AGENDA ITEM 4 – Matters from the Board

Shelley said the Board received a letter from a concerned citizen about horses not being able to cross the cattle guards being put in. Mike said cattle guards are being put in for the bikers, but staff will be moving the gates to allow for a safe space/crossing for horses. Jim Reeder said staff is meeting with the horse community soon to discuss this project.

Tom said he was very impressed with the trail conditions and accessibility information on the OSMP web site. Mike noted that Google is going to do a street view of several OSMP trails including some of the accessible trails. Tom said he recently hiked the Marshall Mesa Trails and the conditions were not nearly as alarming as were presented (by the public) at the last meeting.

Tom said in the future, when the Board is designating an area as an HCA, they ought to call it out as a specific decision versus having it lumped into another topic (such as with Joder). Mike said staff will note this for the future.

Tom asked about getting the Board packet out on Thursdays. Mike said this is a goal that can be hard to hit, but staff will try for this in the future. Allyn asked about the rumor about a trail being put in on the east side of Dakota Ridge, and if it will be a no-dog trail. Mike said this does not ring a bell, but he will look into it.

Pro Cycle

Allyn asked what authority the Open Space Board of Trustees (OSBT) has on adding items as part of the agenda, this race was a topic set to be talked about. She would have liked to have had this discussion. Mike said the Board can always put something on the agenda out of their own interest, but this was something added by request of the City Manager's Office (CMO) and answers from staff would have been incomplete if it remained on the June agenda. Mike said if the Board has specific topics/items regarding the race they can add those for the conversation in July. Allyn said commitments made for the race in 2012 were made too early, because of that, it made it hard to back out of anything. Given that the upcoming race is not until 2014, these questions require some better analysis and answers. Allyn said asking whether Summit Road belongs to Open Space needs to be revisited. She said if it is, there is no way this race can be considered an Open Space purpose; council cannot vary the purpose of the charter by passing an ordinance. Mike said Tom Carr has rendered his opinion on this road, but this question can be included in the memo. Tom said he agrees with Allyn that decisions had been made prior to the questions being answered and the Board should take the opportunity to do things in the correct order.

AGENDA ITEM 5 – 2014-2019 Greenways Capital Improvement Program

Tom Isaacson gave an update on the Greenways Program.

Allyn said money for restoration/mitigation projects along greenways is not always spent. She said it would be helpful to have a focus for what this money is used for. She said the OSBT has tried to keep this in mind when making recommendations; to ensure funds are actually getting used. Shelley asked how the focus on location is decided. Allyn said it is based mostly on flood control. Tom said Greenways have massive planning documents and there is a much broader vision about priorities.

Public Comment

None

Return to the Board

No further discussion.

Motion

No motion.

AGENDA ITEM 6 – Consideration of a recommendation to City Council for Open Space and Mountain Parks funding

Mike Orosel, Financial Services Manager, and Mike Patton, OSMP Director, gave a presentation regarding OSMP funding. On April 23, 2013 during a study session to consider potential 2013 ballot items, City Council members discussed the prospect of extending the current 0.33 percent sales tax which is scheduled to sunset at the end of 2018. The discussion came about as a part of a question regarding OSMP's ability to bond for the purchase of property identified in the recently-approved Acquisition Plan. OSMP currently has two sales taxes - 0.33 percent and 0.15 percent that sunset at the end of 2018 and 2019 respectively. These two sunseting taxes represent 55 percent of OSMP total annual sales tax revenue.

City Council will take up the issue of potential 2013 ballot measures again on June 18, 2013 and the possibility of extending one of the current Open Space sales taxes will be discussed. It is also possible that council will consider some alternative to either of the existing taxes. As a rule, the City Council solicits and values input from the OSBT. It would be appropriate for the OSBT to consider making a recommendation to City Council regarding the prospect for an additional sales tax measure for voter consideration at the November 2013 municipal election. Memo and spreadsheet are saved in S:\OSMP\admin\OSBT\Minutes\Minutes 2013\June.

Molly asked if the number for the mineral rights acquisition was too low. Mike said this came up in the City Council meeting as well and they shared that same concern. Allyn said there was also talk in the council discussion regarding Longs Garden and urban agriculture; she asked if that was something the Board could include into this conversation. Mike said yes, but noted that this is an item that will go to council on the 18th so, the Board will see something on Longs Garden most likely after the 18th.

Public Comment

Raymond Bridge, Boulder, on behalf of PLAN-Boulder County, said he recommends the OSBT urge City Council to extend the .33 percent tax. He said voters prefer to extend an existing tax rather than passing a new one. Historically the .33 percent tax was passed in 1989 and when it was renewed in 1997 the Board was convinced funding was more than adequate for possible purchases. Later positions had to be eliminated; the .15 percent tax was the result of these issues. User demand for new trails, maintenance and enforcement will require an increase in budget. He said opportunities may arise that are not a part of the vision plan budget; Longs Garden is something the community has assumed would be purchased with Open Space funds, but it is not seen in the Acquisition Plan. He said Open Space needs to obtain mineral rights on all new and existing properties.

Linda Andes-Georges, Longmont, on behalf of the Boulder County Audubon Society (BCAS), said in 2003 there was a depression in city finances and the city is facing a similar situation now. There are precious properties in private hands which she does not want to turn into developments or mega mansions. She said it is never a good time to levy more taxes, but the same as in 2003, the city tried and it passed. BCAS encourages an extension of the .33 percent tax and requests of council that taxes on ballot be specific. She said the Open Space program is arguably the most popular, even despite public squabbles.

Ruth Wright, Boulder, on behalf of Friends of Boulder Open Space (FOBOS), said she supports the extension of the .33 percent tax. She said OSMP needs revenue for more purchases. She said it is worth buying mineral rights, water rights and agriculture. She said Boulder is a growing city and the urban area is huge. She said to let the citizens decide; putting it on the ballot is a win-win situation. She asked the Board to not recommend combining the tax with transportation because having a tax extension and a new tax together is confusing to the public.

Richard Harris, Boulder, said he encourages the Board to recommend the extension of the .33 percent tax. He said the community is in a strong position to approve such a measure. He said the economy is getting better and people are more likely to approve an extension as they are already used to this tax. He said this needs to be a dedicated tax extension, without it there would not be much of an Open Space. Boulder citizens know what they want for Open Space, and feel strongly about dedicated funds. He said to keep the Open Space tax separate from others. He said he also supports expanding the .15 percent tax, but said this could be perceived as a "money grab."

Gwen Dooley, Boulder, said in 1989 Boulder passed the .33 percent tax and eight years later they passed the extension of that tax. It is now 16 years later and time to pass it again. She said she urges the Board to recommend to City Council that they put on the ballot a 20 year tax extension of the .33 percent tax, as

well as an extension of the .15 percent tax. She said as long as the City of Boulder continues to grow and welcomes other users, the city must continue the accelerated acquisition efforts. She said Longs Garden is within reach as well, along with the Hogue property and the Hogan Pancost property is also an option.

Return to the Board

Tom suggested separating the Board recommendation for whether to have a dedicated tax, and how much the tax should be. The Board agreed.

Tom said yes to a dedicated tax. He said there is an enormous value in knowing something about the future revenue stream, and the 20 year time frame seems sensible. Mike said using the 20 year time frame makes the bonding issue easier and the interest rate is better. Allyn said Frances (who was not present) wanted to note that she supports the sales tax extension as well.

Shelley asked if there is a target number for the fund balance. Mike Patton said the numbers will depend on the economy and revenue. Mike Orosel said in the past the Board has given an amount of how much should be in the annual reserve. Shelley asked about purchasing mineral rights for properties that are not yet owned by OSMP. She said the Board needs to know more about cost for purchasing mineral rights and the Board has the option of putting an additional tax on the ballot targeting mineral and water rights. Mike said staff is working with an attorney who specializes in tracking down mineral rights.

Allyn said she supports extending the .33 percent tax. She said there is not a good chance of getting council to put both the .15 percent tax and the .33 percent tax on the ballot. People will be looking to Open Space to fund a large number of things such as: operations and maintenance due to more users, regional trails, oil and gas, mineral and water rights, and local agriculture. She said the other proposed taxes are not large enough to take care of these things. Tom said the right number is somewhere in between .15 and .33. Based on the numbers that staff ran the .33 percent tax seems too high and is more than what OSMP is spending currently; hard to justify. Tom said his sense is OSMP is getting close to being a mature system and will not need to continue purchasing at current pace. He noted that Open Space is part of a broader city which has serious human services needs, and he cannot justify having this funding be specific to Open Space when others need it. He said ideally he would support a tax between .15 and .33, but if choosing between the two he would support the .15 percent tax. Shelley said she would support the .15 percent tax as it is not realistic to say OSMP will be able to purchase all of their wanted properties. She said she is also concerned about jumping ahead of City Council in the urban agriculture pursuits; she does not want to ask for tax payer money without knowing if Open Space will even pursue purchases. Molly said she supports the .33 percent tax as extending a tax is less confusing, and there are a lot of unknowns about mineral rights. She said she would rather see Open Space on the upper end and be more comfortable. Allyn read Frances comments in which said she believes it is important to support the .33 percent tax in order to fulfill implementation of the Acquisition Plan. She said it is crucial to make this tax a dedicated tax and urges the Board to support the .33 percent tax as a dedicated tax.

Motion

Tom Isaacson moved the Open Space Board of Trustees recommend that City Council place on the November 2013 ballot a vote for a dedicated 20-year tax extension for the Open Space and Mountain Parks Department. Shelley Dunbar seconded. This motion passed unanimously.

Tom Isaacson moved the Open Space Board of Trustees inform City Council that two members present support extension of the .33 percent tax; two members present support extension of the .15 percent tax; and one member who was absent supports the .33 percent tax extension. Shelley Dunbar seconded. This motion passed unanimously. Frances Hartogh was not present.

ADJOURNMENT – The meeting adjourned at 9:09 p.m.

These minutes were prepared by Leah Case.

APPROVED BY:

Allyn Feinberg
Board Chair

DATE